



ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

MEMORANDUM

March 29, 2007

TO: Members, Assembly Committee on Tourism, Recreation and State Properties

FROM: Rep. Tony Staskunas

RE: Assembly Bill 45

Today the Assembly Committee on Tourism, Recreation and State Properties will have the opportunity to hear testimony on Assembly Bill 45, a proposal to require children under the age of 13 to wear personal flotation devices (PFDs) while boating. I am asking for your support of this proposal.

I am a co-sponsor and supporter of AB 45. Over the past few years since I first began pursuing this legislation, ten more states have enacted laws requiring children to wear PFDs. Wisconsin is now one of only four remaining states that have not yet enacted any regulation for PFD use by children.

Additionally, during this time period, the US Coast Guard has implemented their own PFD rule. Under the Coast Guard rule any child under the age of 13 must wear a PFD while aboard a moving water vessel. This new Coast Guard rule is enforced on federal navigable waterways in states that do not have their own regulations on PFD usage for children, such as Wisconsin. A penalty of up to **\$1,000** may be assessed for each violation of this Coast Guard rule. The most current information I have for citations issued by the Coast Guard is for 2004. In that year, fourteen individuals were cited for violating the PFD rule in Wisconsin.

The penalty in AB 45 would be **\$50** for the first offense and not more than **\$100** upon conviction of the same offense a 2nd or subsequent time within one year.

A few examples of these federal navigable waterways in Wisconsin would be Lake Michigan, Lake Superior, the Mississippi River, the Wisconsin River, the Wolf River and the Winnebago system of lakes.

Since this new Coast Guard rule is currently being enforced on some waterways in Wisconsin, it makes sense that we take action to address this boat safety issue and support Assembly Bill 45. Children across the state deserve the protection of a lifejacket.

I ask that you please support Assembly Bill 45.

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MARK GOTTLIEB

Speaker Pro Tempore
Wisconsin State Assembly

**Testimony of Rep. Mark Gottlieb
Assembly Bill 45
Assembly Committee on Tourism, Recreation and State Properties
March 29, 2007**

Chairman Kaufert and Members:

Thank you for holding this public hearing on Assembly Bill 45 (AB 45), relating to requiring that personal flotation devices (PFD) be worn by certain underage persons in certain boats.

This bill will prohibit a person from operating a recreational boat that is less than 26 feet in length unless, during the time the boat is under way, every person on the boat who is 12 years old or younger is wearing a PFD or is in a cabin space or below the deck. AB 45 will make PFD requirements for children 12 years and under consistent on all the state's navigable waterways.

On March 29, 2002, the U.S. Coast Guard adopted a federal regulation that requires children under the age of 13 onboard recreational boats that are underway to wear personal flotation devices unless they are below deck or in a cabin space. This regulation currently applies to federal navigable waterways of the state where jurisdiction is shared between the state and federal governments. These joint-jurisdictional waters, currently numbering over 50 in the state, include popular boating areas like Lake Michigan, Lake Superior, Green Bay, Mississippi River, Fox River, Black River, Chippewa River, Menominee River, St. Croix River, Wisconsin River, Wolf River, Winnebago system of lakes, etc.

On joint-jurisdictional waters, the United States Coast Guard has the authority to issue fines up to \$1,000 per offense to boaters who have children under the age of 13 on board and are found not wearing a PFD. Under this legislation, violations will cost boat operators up to \$50 for the first offense and up to \$100 for a second and subsequent offense. Offenders caught on joint-jurisdictional waters by state authorities are only subject to the state fine.

Wisconsin is one of only four states in the country that does not have a PFD requirement for children. For several previous sessions bills have been introduced, and a Joint Legislative Council special committee supported and recommended on a 16-1 vote, requiring the use of PFDs for children in recreational boats under 26 feet in length. While the intent was always the same, many versions surfaced without being passed.

STATE REPRESENTATIVE • 60TH DISTRICT

Last session, this bill passed the Senate but failed to get through the Assembly before we adjourned.

Rep. Staskunas, Senator Sullivan, Senator Roessler and I have been working closely together in support of this bill for two simple reasons: 1) Drowning deaths due to lack of a PFD on a child can be easily prevented and, 2) Uniformity in PFD requirements for all the state's waterways leads to less confusion among recreational boaters.

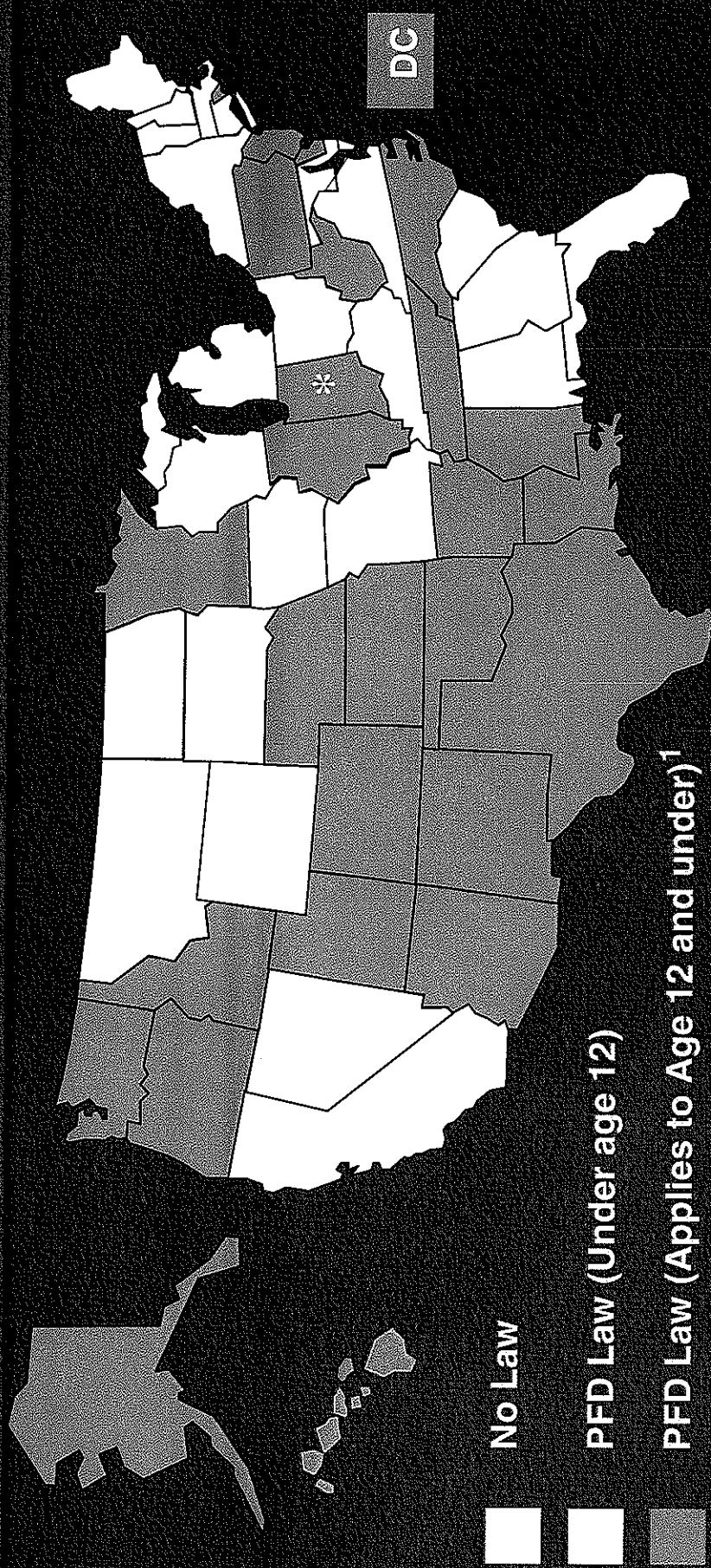
Mr. Chairman, also testifying today will be a member of the National Transportation Safety Board, Kathryn O'Leary Higgins, and officials from the Wisconsin Department of Natural Resources. They will give this committee further statistical, anecdotal and other information as to why AB 45 is good public policy. I respectfully ask that the members of this committee support and take executive action on Assembly Bill 45.

Thank you for the opportunity to testify before you today.

Reference points:

- 46 states now have some form of PFD requirement.
- On March 29, 2002, the U.S. Coast Guard adopted a federal regulation that requires children under the age of 13 onboard recreational boats that are underway to wear PFDs unless they are below deck or in a cabin space.
- The federal regulation applies to federal navigable waterways of the state where jurisdiction is shared between state and federal governments. These waters include over 50 bodies of water, including; Lake Michigan, Lake Superior, Mississippi River, Fox River, Black River, Wolf River, etc.
- While the number of minors involved in boating fatalities each year in Wisconsin is relatively low, these deaths are easily preventable by wearing a PFD.
- S. 30.50 (2) "Boat" or "vessel" means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft. The definition of "recreational boat" in AB 45 includes "motorboat" and "nonmotorized boat" as defined in s. 30.50 (6) and (7).
- Violations of the federal PFD law can cost a boater up to \$1,000 for each offense. Under this legislation, violations will cost boaters up to \$50 for the first offense and up to \$100 for a second and subsequent offense. Offenders caught on joint-jurisdictional waters by state authorities are only subject to the state fine.
- The boat operator would be fined if a violation occurred. A warden could only issue one citation if one or more kids aren't wearing a PFD. Additional citations could be issued if the warden caught up with them at a later time.

Personal Flotation Device Laws for Children



No Law

PFD Law (Under age 12)

PFD Law (Applies to Age 12 and under)¹

Laws Applies only to concurrent Federal/State waters

¹ Idaho Law applies to Age 14 and under

As of September 2006

NTSB



**Minors Involved in Boating Fatalities
1993 – 2006**

Year	Age	Boat Type	Comments
1993	No One under 18 years of age died in a boating accident this year.		
1994	8 & 9	14 ft Home made rowboat	Both victims were in boat that capsized. Neither were wearing PFD's and drowned.
1995	No One under 18 years of age died in a boating accident this year		
1996	11	14 ft rowboat	Victim fell overboard. Was not wearing a PFD. Was tossed a Cushion PFD, but still drowned
1997	9	24 ft pontoon boat	Victim fell from boat and struck by propeller. Was not wearing PFD. Died from trauma injuries.
	17	Personal water craft	Victim struck a piling and died as result of trauma. Was not wearing PFD.
	6	19 ft pontoon boat	Victim fell overboard. Was not wearing PFD and drowned
1998	16	19 ft motor boat	Victim was water skiing. PFD was not buckled. Victim fell and fell out of PFD and drowned.
	13	19 ft motor boat	Victim was water skiing & wearing improper sized PFD. Victim fell and fell out of PFD and drowned.
	14	Rental kayak	Kayak capsized. Victim not wearing PFD and drowned.
1999	12	15 ft motor boat	Boat capsized. Victim was wearing PFD but was trapped under capsized boat and drowned.
	12	14 ft motor boat	Boat capsized. Victim was Not wearing PFD and drowned.
2000	17	14 ft rowboat	Victim jumped overboard to retrieve an oar. Was not wearing a PFD and drowned
	13	Inner Tube	Victim was tubing on a river and fell off tube. Victim not wearing PFD and drowned.
	14	19 ft motor boat	Victim & 3 companions were on Lake Michigan. US Coast Guard received a May Day. Boat had capsized. All four had PFD's on, but died from hypothermia.
2001	17	14 ft motor boat	Victim & 2 companions were fishing on Lake Michigan when boat began taking on water and sank. Victim did not have a PFD on and drowned.
	17 & 17	Paddle boat	Victims with no PFD's worn, took a paddleboat out into Lake Michigan. Wind pushed boat away from shore. So victims left boat and swim for shore. 3 of 4 people aboard drowned.
	11 months	Inner Tube	Victim and father were tubing on a river. Victim fell out of father's grasp and drowned. Victim was not wearing PFD.
	9	Inner Tube	Victim being pulled by 19 ft motor boat when a PWC struck the victim. Victim died from Trauma injuries. Victim was wearing a PFD.
2002	17	12 ft Rowboat	Drowning Victim and 2 survivors tried to swim to shore after boat capsized. Victim was not wearing a PFD.
	13	17 ft Canoe	Four children, wearing no PFD's, were in canoe that began to sink. Victim was only one not able to swim safely to shore.
2003	15 & 16	12 ft Open Motor Boat	Friends were out duck hunting in bad weather. Boat was found capsized. Victims were not found until the following Spring. No PFD's were found in boat or on the victims' bodies.
2004	12	12 ft Open Motor boat	Five boys fishing & jumping in & out of boat. Boat took on water and sunk. Victim could not swim. Others made it to shore safely. No one was wearing PFD's
	17	16 ft Open Motor boat	Father, sons & son's friends were out fishing. Boat began to take on water, swamped & sank. Victim unable to get into PFD & drowned before he could be rescued by passing boat.
	16	21 ft Open Motor boat	Victim was skiing, fell and struck head on fellow skier's ski. Died from impact trauma head injury 17 days later. Victim was wearing a PFD.
	15	10 ft modified wind surf board	Wind surfboard found on shore. Victim later found near shore. Victim could not swim and was not wearing a PFD.

2005	16	16 ft duck skiff	Youngest of two brothers fishing from duck skiff that capsized at Carp Pond at County Fairgrounds. They were not wearing PFD's. Drowned while attempting to swim to shore.
	17	14 ft 6" Open Motor boat	Victim was operator of boat accelerating boat when anchor left in water was released and struck victim in head. Died from trauma injuries. Was not wearing PFD.
2006	16	16 ft Canoe	Victim and two friends were fishing from canoe. Canoe tipped over. Victim left canoe to swim to shore and drowned. No one was wearing a PFD.
	16	22 ft 9" Pontoon	Victim & friend were swimming off a drifting boat. Boat drifted into deeper water. Victim drowned when unable to swim back to boat. No PFD was worn by victim or friend
	15	16 ft Open motor boat	Victim & family were returning to dock after day of tubing. While returning victim was holding onto tube aside boat. Tube bounced & became airborne. Victim without a PFD, became entangled in tube rope, was dragged overboard & drowned.
1985	Three minors were reported as drowning victims. No minor victims by trauma-injury. No specific details provided as to the cause of the minor-age fatalities or whether they were wearing PFD's.		
1986	No minors were reported as drowning victims or victims by trauma-injury.		

No Law

PFD Law (Under age 12)

PFD Law (Applies to Age 12 and under)¹

DC

No Law

PFD Law (Under age 12)

PFD Law (Applies to Age 12 and under)¹

Laws Applies only to concurrent Federal/State waters

1 Idaho Law applies to Age 14 and under

As of September 2006

Testimony of John Van Dinter on AB45

Chairman Kaufert and members of the Tourism Committee it is a pleasure to have the opportunity to address this distinguished group. I am John Van Dinter. I live in the Town of Westport, Dane County, Wisconsin. I am a member of the United States Coast Guard Auxiliary, and am here testifying as the Wisconsin State Legislative Liaison Officer for that organization. I have lived and boated the waters of Wisconsin for 60+ years. I am testifying in favor of AB45.

The United States Coast Guard Auxiliary is the civilian, uniformed, volunteer component of the United States Coast Guard, as well as the lead volunteer force in the Department of Homeland Security. It is made up of approximately 38,000 volunteer members. As such, the Coast Guard Auxiliary is charged with promoting the Recreational Boating Safety Programs throughout the United States. We are very active in the state of Wisconsin and provide many Boating Safety Classes, Vessel Safety Checks, and Safety Patrols on all of our waters.

Our members and I strongly favor and support AB45. Of 491 boating fatalities by drowning nationwide in 2005, 426 of the victims were not wearing a PFD. Of these, 16 were children under the age of 13. During the same period, Wisconsin suffered a total of 13 fatalities of all ages which were attributable to drowning. Wearing a PFD could have prevented most of these unnecessary deaths.

As a member of the Coast Guard Auxiliary I am required at all times while on a dock or a vessel, while under Coast Guard orders, to wear a properly fitting PFD (Personal Flotation Device or Life vest). Because of the importance of this safety device I always wear one, even while recreational boating and require all passengers on my boat to do so. Many of the new life vests are of a comfortable and effective design and are easy to wear for prolonged periods of time. They are the equivalent safety measures to seatbelts in a car.

We have all recognized the deleterious effects of bad decisions; driving drunk, driving without seat belts, shooting a gun without proper preparation or education. In those instances we have protected our children by monitoring and ticketing drivers who do not "buckle-up" their children, and by offering hunter safety classes for children wishing to hunt with parents or grandparents.

Children are not developmentally mature enough to grab a life vest and put it on when all around them panic has set in as it surely will in a time of emergency. Their motor skills do not really develop sufficiently to master the art of finding a vest and putting it on in a quick and safe manner. Anyone watching the USCGAUX Boating Safely film demonstration of adults in a swimming pool trying to grab and put on a life vest while thrashing around in the water would only too clearly understand the futility of such an expectation.

We want our children to experience the pleasures of water activities: fishing, boating, wading for minnows, etc. We must offer them passive protection by supporting life vest legislation for children. They must have the correctly sized life vests worn and secured at all times when the possibility exists that drowning could occur. I urge passage of AB45.

Federal regulations now require that children under 13 years of age (that are not in a cabin or below deck) must wear a PFD on all recreational boats while underway. This applies on waters subject to federal jurisdiction. This regulation which does not specify any maximum boat length is already in effect on all Federal waters in Wisconsin.

At the annual meeting of the United States Coast Guard Auxiliary National Board in Nashville, Tennessee, on 30 August 2003, the following resolution relating to recreational boating safety was approved and passed:

Resolved that, the National Board of the United States Coast Guard Auxiliary supports the mandatory wearing of personal flotation devices (PFDs) approved by the Coast Guard by all children under 13 years of age while aboard recreational vessels under way, except when the children are below decks or in enclosed cabins.

This is the official position of the United States Coast Guard Auxiliary in regards to mandatory wearing of a PFD. This resolution also does not specify the maximum boat length. In the interest of saving lives and greatly enhancing Recreational Boating Safety please pass resolution AB45 and work to make them law in Wisconsin. It will save lives.

Thank you for allowing me to testify on behalf of the United States Coast Guard Auxiliary about this important matter. I would be happy to answer any questions that you might have.

March 29, 2007

Members of the Committee:

My name is Maureen Van Dinter. I am here to speak in favor of passage of AB-45. I come as a Pediatric Nurse Practitioner, past president of the state professional organization (WAPNAP), and past legislative chair. I also come as a member, and Rear Commodore-North, of the US Coast Guard Auxiliary.

National PFD wear rate statistics for FY 2005 indicate that 12.9% to 88.7% of youth under the age of eighteen wear PFD's depending on the type of boat they are on. Those vessels which require PFD use, such as PWCs or sailboards, have a near 100% compliance rate. Most non-motorized watercraft, such as canoes, kayaks, and rafts have much less compliance with PFDs. The USCG Boating Statistics for 2005 indicate 239 injuries to children under the age of 12 and 21 deaths while boating.

We have all recognized that small children lack specific motor skills and abilities. As adults we are called upon to help them with many of their learned tasks: putting on clothing, using a scissors, riding a bike, etc. The ability to button and buckle is a skill most often not learned until near kindergarten age. When placed in a stressful situation children often regress in their skills and forget what they have been taught.

Too few people are familiar with navigation rules or what to do in case of a boating emergency. Should a boat capsize, run aground or collide with another vessel quick action is important to save lives. On airplanes, during the preflight safety briefing, adults are reminded to put on their own oxygen mask before assisting their children. In case of a similar on the water emergency such as a boating accident the adults would not have time to put on a PFD and then dress their children in PFDs before the boat sank. Should the adults be injured in the accident the children would have to fend for themselves at a time of great stress.

You would not allow a child to ride a bike without the proper helmet protection, or sit in a car without a seat belt, safety harness, or child restraint. As adults we must act to safeguard our children while still allowing them to enjoy the state's waterways.

Please pass AB 45 to protect our children.

Wisconsin PFD Required Use – AB 45
Assembly Hearing Thursday, March 29, 2007 10:00 A.M.
Capitol Room 300 Northeast

I represent the United States Power Squadrons, a 90 year old recreational sail and power boating organization with almost 50,000 members in the United States. Over 2,000 members either live in Wisconsin or in neighboring communities and use Wisconsin waters. Our mission is to promote safe recreational boating through education as well as civic activities including Vessel Safety Checks.

The United States Power Squadrons endorses the Federal requirement that children, under 13 onboard recreational boats that are underway, must wear PFDs unless they are below deck or in a cabin space. We would hope that all persons would wear appropriate PFDs when underway. But this is especially true for children. A child needs his own PFD so that he can take it with him and wear it whenever he is on the water.

We know that, as a boat operator, we must have a PFD for everyone aboard. But it must also be of the appropriate size. One size does not fit all. One way to assure this is to have the child wear the PFD and check that it is the correct size before you leave the dock. If a person does fall overboard, it is very difficult for an adult, not to panic. If a PFD was thrown to him, it takes much more effort to put on the buoyant jacket when in the water. If an adult has problems with this, what do you think a child would do? The child needs to be wearing it. PFDs need to be readily available. Wearing one would certainly meet this requirement.

With the child having to wear a correct fitting PFD, when on the water, the parent or responsible adult would take the time to purchase a PFD that is the most appropriate for the child. A very young child needs a life jacket with a strap that goes between the legs. This way, if the child does get into the water, it will not simply slip up over his head and float away. Many have a strap or handle so the child can be lifted from the water and back into the boat.

In teaching our courses, we talk about the federal requirement for children to wear a PFD on federal waters. A question quickly follows: Where are federal waters and do they need to be worn on other waters? We certainly can point out nearby federal waters, but they are missing the point. All children should be wearing PFDs for their own safety. We are then asked: If it is so important, then why doesn't Wisconsin have the same requirement? Our answer has been: The DNR recommends it, but the bill has not completed its way through the legislature. The next time the question comes up, I hope I have a different Answer. I know that you do care about the safety of our children and one way you can show this is by making the wearing of a PFD for children the law.

There are many reasons to wear a PFD but none to not wear one. When we get into a car we grab the seat belt and fasten it. Likewise, when we board a boat, we should grab the PFD and fasten it. Lives would be saved.

*For KRASE
UNITED STATES
POWER SQUADRON*

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF PHYSICS

PHYSICS 321
LECTURE 10
THERMODYNAMICS

1. The first law of thermodynamics states that the change in internal energy of a system is equal to the heat added to the system minus the work done by the system.

2. The second law of thermodynamics states that the entropy of an isolated system never decreases.

3. The third law of thermodynamics states that the entropy of a perfect crystal is zero at absolute zero.

4. The heat capacity of a system is the amount of heat required to raise the temperature of the system by one degree.

5. The efficiency of a heat engine is the ratio of the work done by the engine to the heat added to the engine.

6. The Carnot cycle is the most efficient cycle possible for a heat engine operating between two reservoirs at different temperatures.